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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,176	01/12/2001	Jyoei Kamoi	FUJA 18.217	9987
26304	7590	05/11/2004	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN			CANGIALOSI, SALVATORE A	
575 MADISON AVENUE			ART UNIT	PAPER NUMBER
NEW YORK, NY 10022-2585			2661	5

DATE MAILED: 05/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/759,176

Applicant(s)

KAMOI ET AL.

Examiner

Salvatore Cangialosi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1, 2, 4-6, 8-11 are rejected under 35 U.S.C. § 103 as being unpatentable over Nishihara in view of Osawa et al and either Delp et al or Chopping.

Regarding claim 1, Nishihara (See Figs. 1-6) disclose a means for processing AAL1 cells stored in a buffer with a plurality of cells and subsequently formatting the plurality of cells of either P or non-P format (Col. 5, lines 10-12) into a frame substantially as claimed. It is noted that the check for normalcy is being read as an error check. The differences between the above and the claimed invention are the specific size buffer and the check for errors. Note that all digital cell data is checked for error. Osawa et al (See Fig. 9, element 610, CRC element) shows that a CRC is included in a

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typical AAL1 header as a confirmation of normalcy. Either Delp et al (Fig. 7, FIFO buffer) or Chopping (Col. 4, lines 35-40) show typical 8 cell buffers. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement Nishihara because they are well known and conventional functional equivalents of AAL1 reassembled frames in the prior art. Regarding the sequence limitations of claim 2, Nishihara show plurality of cells of either P or non-P format (Col. 5, lines 10-12) which are the functional equivalents of the claim. Regarding the sequence limitations of claim 4, Nishihara show plurality of cells of either P or non-P format (Col. 5, lines 10-12) which are the functional equivalents of the claim. Regarding the specific apportionment of P format cell limitations of claim 5, Nishihara show plurality of cells of either mostly P or non-P format (Col. 5, lines 10-12) which are the functional equivalents of the claim. Regarding claim 6, Nishihara (See Figs. 1-6) disclose a means for processing AAL1 cells stored in a buffer with a plurality of cells and subsequently formatting the plurality of cells of either P or non-P format (Col. 5, lines 10-12) into a frame with a frame counter (element 410) and pointer (See Fig. 7) substantially as claimed. It is noted that the check for normalcy is being read as an error check. The differences between the above and the claimed invention are the specific size buffer and the check for errors. Note that all digital cell data is checked for error. Osawa et

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al(See Fig. 9, element 610, CRC element) slows that a CRC is included in a typical AAL1 header as a confirmation of normalcy. Either Delp et al(Fig. 7, FIFO buffer) or Chopping(Col. 4, lines 35-40) show typical 8 cell buffers. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement Nishihara because they are well known and conventional functional equivalents of AAL1 reassembled frames in the prior art. Regarding claim 8, Nishihara (See Figs. 1-6) disclose a means for processing AAL1 cells stored in a buffer with a plurality of cells and subsequently formatting the plurality of cells of either P or non-P format(Col. 5, lines 10-12) into a frame with a frame counter(element 410) and pointer(See Fig. 7) substantially as claimed. It is noted that the check for normalcy is being read as an error check. The differences between the above and the claimed invention are the specific size buffer and the check for errors. Note that all digital cell data is checked for error. Osawa et al(See Fig. 9, element 610, CRC element) slows that a CRC is included in a typical AAL1 header as a confirmation of normalcy. Either Delp et al(Fig. 7, FIFO buffer) or Chopping(Col. 4, lines 35-40) show typical 8 cell buffers. Note also that Delp et al(See Col. 1, lines 1-10) show scalable bandwidth. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement Nishihara because they are well known and conventional functional equivalents of AAL1 reassembled frames in

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the prior art. Regarding the specific cell limitations of claim 9, Nishihara show plurality of cells of either mostly P or non-P format (Col. 5, lines 10-12) which have a frame position detector (element 108) and a cell count of 46 or 47 (See col. 6, lines 35-40) (Note sum of 46 and 47 is 93) which are the functional equivalents of the claim. Regarding the specific apportionment of P format cell limitations of claim 10, Nishihara show plurality of cells of either mostly P or non-P format (Col. 5, lines 10-12) which are the functional equivalents of the claim. Regarding claim 11, Nishihara (See Figs. 1-6) disclose a means for processing AAL1 cells stored in a buffer with a plurality of cells and subsequently formatting the plurality of cells of either P or non-P format (Col. 5, lines 10-12) into a frame substantially as claimed. It is noted that the check for normalcy is being read as an error check. The differences between the above and the claimed invention are the specific size buffer and the check for errors. Note that all digital cell data is checked for error. Osawa et al (See Fig. 9, element 610, CRC element) shows that a CRC is included in a typical AAL1 header as a confirmation of normalcy. Either Delp et al (Fig. 7, FIFO buffer) or Chopping (Col. 4, lines 35-40) show typical 8 cell buffers. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement Nishihara because they are well known and conventional functional equivalents of AAL1 reassembled frames in the prior art.

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2. Claims 3, 7 are rejected under 35 U.S.C. § 103 as being unpatentable over Nishihara in view of Osawa et al and either Delp et al or Chopping and Nakakita et al.

Regarding claim 3, Nishihara (See Figs. 1-6) disclose a means for processing AAL1 cells stored in a buffer with a plurality of cells and subsequently formatting the plurality of cells of either P or non-P format (Col. 5, lines 10-12) into a frame substantially as claimed. It is noted that the check for normalcy is being read as an error check. The differences between the above and the claimed invention are the specific size buffer and the check for errors and the inclusion of dummy cells. Note that all digital cell data is checked for error. Osawa et al (See Fig. 9, element 610, CRC element) shows that a CRC is included in a typical AAL1 header as a confirmation of normalcy. Either Delp et al (Fig. 7, FIFO buffer) or Chopping (Col. 4, lines 35-40) show typical 8 cell buffers. Since AAL1 format is for real time voice padding is often required. Nakakita et al (See col. 3, lines 30-45) show dummy cell padding. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement Nishihara because they are well known and conventional functional equivalents of AAL1 reassembled frames in the prior art. Regarding claim 7, Nishihara (See Figs. 1-6) disclose a means for processing AAL1 cells stored in a buffer with a plurality of cells and subsequently formatting the

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plurality of cells of either P or non-P format (Col. 5, lines 10-12) into a frame with a frame counter (element 410) and pointer (See Fig. 7) substantially as claimed. It is noted that the check for normalcy is being read as an error check. The differences between the above and the claimed invention are the specific size buffer and the check for errors and the inclusion of dummy cells. Note that all digital cell data is checked for error. Osawa et al (See Fig. 9, element 610, CRC element) shows that a CRC is included in a typical AAL1 header as a confirmation of normalcy. Either Delp et al (Fig. 7, FIFO buffer) or Chopping (Col. 4, lines 35-40) show typical 8 cell buffers. Since AAL1 format is for real time voice padding is often required. Nakakita et al (See col. 3, lines 30-45) show dummy cell padding.

It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement Nishihara because they are well known and conventional functional equivalents of AAL1 reassembled frames in the prior art.

Claims 2-6 and 8-12 are objected to as being dependent on rejected claims.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number (703) 305-1837. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms, can be reached at (703) 305-4703.

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Any response to this action should be mailed to:


Commissioner of Patent and Trademarks

Washington, D.C. 20231

or faxed to (703)872-9306

Hand delivered responses should be brought to Crystal Park
II, 2121 Crystal Drive, Arlington, Virginia, Sixth
Floor(Receptionist).

Any inquiry of a general nature or relating to the status of
this application or proceeding should be directed to the
Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.


SALVATORE CANGIALOSI
PRIMARY EXAMINER
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